

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes December 19, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 19, 2014, at 9:00 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Noecker, Reveal Shively, Thao, Underwood, Wang, Wencil; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Oliver, Wickiser.

**Commissioners Absent:** Mmes. \*Merrigan, \*Padilla, and Messrs. \*Connolly, \*Ochs, \*Ward.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Lucy Thompson, Jamie Radel, Hilary Holmes, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes November 14, 2014.**

**MOTION:** *Commissioner Reveal moved approval of the minutes of November 14, 2014. Commissioner Noecker seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencil had no announcements.

**III. Planning Director's Announcements**

Donna Drummond reported that the Steering Committee met right before this meeting today and decided to cancel the January 2<sup>nd</sup> meeting because there are no business items. There will be a couple of zoning cases for one applicant on Tuesday, December 23, 2014. However, that applicant has agreed to wait until the January 16, 2015 meeting for a Planning Commission decision. It involves a rezoning and it will be timed so that in the end the applicant will not lose any time to get final approvals for the project. Also the annual meeting for the Planning Commission will be on January 30, 2015 which will be election of officers and presentation of the annual report.

**IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, December 16, 2014:



- Victoria Park Apartments – Phase 2, six story apartment building with 195 units at 802 Otto (Shepard Road) *Preliminary review*
- Demolition of Ramsey County Buildings, demolition of Ramsey County Jail and “West Publishing” building at 14 and 50 Kellogg Boulevard West. *Preliminary review*

One item to come before the Site Plan Review Committee on Tuesday, December 30, 2014:

- Palace Community Center, renovate and expand existing Parks Community Center at 781 Palace.

## **NEW BUSINESS**

#14-349-037 Victoria Park – Phase 2 – Conditional use permit for a 73 foot building height. 764-802 Otto Avenue, 827-1101 Shepard Road, SW corner of Otto and Shepard Road.  
(Lucy Thompson, 651/266-6578)

Commissioner Underwood noted that there are people in the audience who are opposed to this building. She asked what the permitted height is (without a conditional use permit) and why this situation warrants a conditional use permit.

Lucy Thompson, PED staff, said that the site is zoned T3M and is covered under the Victoria Park Master Plan. The T3 dimensional standards table contains a note relating to Victoria Park, which says a conditional use may be granted for a building up to 75 feet. This exception is made in order to permit compliance with the Master Plan. The staff report and draft resolution lay out a series of findings that need to be made in order to recommend approval of the conditional use permit. Staff recommended to the Zoning Committee that those findings have been met, and the Zoning Committee agreed.

Commissioner Underwood asked whether the 73 feet includes the height of the retaining wall upon which the building appears to sit.

Ms. Thompson responded that base elevations, from which building height is determined, are determined by looking at each of the building faces and averaging the ground elevation along that face. There are definitely elevations from which more of the building is visible, due to the base elevation – e.g. at the intersection of Shepard and Otto. Ms. Thompson added that the predominant height of the building is 62 feet, but there are some corner elevation pieces that are taller (73 feet).

Commissioner Underwood asked whether the proposed height includes the retaining wall referenced in the Fort Road Federation’s letter of opposition. The Fort Road Federation requested that the retaining wall be shown as part of the building height. In her conversations with district council members, part of their concern is that the base elevation of the building is actually higher than is being claimed, because of the retaining wall in that area.

Ms. Thompson said that the retaining wall is not part of the building.

Commissioner Underwood replied that the building is on top of the retaining wall and the



argument is that the retaining wall contributes to the overall height.

Ms. Thompson said that all she has is their letter and not a drawing, so she does not know what elevation they are looking at and cannot specifically respond.

Commissioner Underwood asked about the status of the Mississippi River Critical Area rule-making process, and how new rules might impact this site.

Ms. Thompson said that the site is currently in the RC4 Critical Area district. Under RC4, there are no overlay height restrictions. She does not know the status of the proposed Critical Area rules, but this site is coming in for approval under the rules that exist today. Staff reviewed consistency with the River Corridor standards and criteria, and found no need to modify any of them.

Commissioner Underwood said that her first concern was consistency with the proposed Critical Area rules and her desire to see the vision of the River Corridor come to be. She feels that this building is not consistent with that vision, so she will voting "no" on the request in order to encourage further discussion and understanding.

Ms. Thompson noted that the Victoria Park Master Plan, recommended by the Fort Road Federation in 2005, does show acceptable heights on this site of 120 feet.

Commissioner Underwood stated that she knows that it is the Zoning Committee's role to review that particular detail, and it's her understanding from the Federation that there are other concerns that are not under the Zoning Committee's purview. In order to respect those concerns, she will be voting "no."

Ms. Thompson agreed that some of the issues raised by the Federation are site plan issues. She fully intends to follow up on those.

Commissioner Lindeke asked how the proposed height of this building compares with height scale of other buildings of the Victoria Park urban Village.

Ms. Thompson said that it is taller than the two new buildings to the north (Victoria Park Phase 1) and the two crescent-shaped buildings to the north, which are generally 2-3 stories tall. She does not remember the height of the Phase 1 buildings, but they did not get a conditional use permit so that means they are no taller than 45 feet.

Commissioner Wickiser said an issue that he struggles with in a building like this is that this height makes economic sense for the developer. If the building height is lowered, the footprint has to get larger to accommodate the number of units needed to make the project financially feasible. He does not see a great solution to this other than if, as a city, they started valuing a different design that would allow them to build taller with a smaller footprint or to somehow incentivize a building type and height that makes financial sense. He thinks that they are going to continue to see buildings like this all over the city. With regards to the considerations the Zoning Committee is allowed (or required) to make, he believes it is difficult to deny the CUP request. The urban design issues raised by the Federation are generally not zoning matters. The Federation did approve 120 feet at this location. While he values the Mississippi River Critical Area, he does not see a valid basis for denial.



**MOTION:** *Commissioner Wencl moved the Zoning Committee's recommendation to approve the conditional use permit subject to an additional condition. The motion carried 13-1 (Underwood) on a voice vote.*

#14-348-318 Wamoua Lee – Change of nonconforming use for a two-family dwelling not owner occupied. 599 Wells Street between Edgerton and Payne. (Bill Dermody, 651/266-6617)

**MOTION:** *Commissioner Wencl moved the Zoning Committee's recommendation to approve the change of nonconforming use. The motion carried unanimously on a voice vote.*

Commissioner Wencl announced the items on the agenda for the next Zoning Committee meeting on Tuesday, December 23, 2014.

**V. Comprehensive Planning Committee**

Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and B, I, and T District Uses and Standards – Approve resolution recommending to Mayor and City Council for adoption. (Jamie Radel, 651/266-6614)

**MOTION:** *Commissioner Thao moved on behalf of the Comprehensive Planning Committee to approve the resolution recommending that the zoning text amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

Commissioner Thao reported that at their last meeting they continued looking at creating criteria for STAR and CIB proposals for when the Planning Commission might offer suggestions for applicants that submit a proposal and want to be in compliance with the Comprehensive Plan. They also discussed the DNR Mississippi River Critical Area Rules as they are changing and evolving and heard an update from staff about the December 11<sup>th</sup> proposed changes. The next Comprehensive Planning Committee meeting will be on January 13, 2015.

**VI. Neighborhood Planning Committee**

Commissioner Oliver had no report, but said that their next meeting is scheduled on Wednesday, January 7, 2015.

**VII. Transportation Committee**

Commissioner Lindeke announced the items on their agenda for the next Transportation Committee meeting on Monday January 12, 2015.

**VIII. Communications Committee**

Commissioner Thao reported that staff is working on the draft 2014 annual report. Their goal is to have the final report ready for publication at the annual meeting on January 30, 2015.

**IX. Task Force/Liaison Reports**

Commissioner Oliver announced that the Gateway Station Area Task Force had met on





December 2<sup>nd</sup>. They looked at all the different routing options for the Earl Street Station, and their next meeting is on Tuesday, January 6, 2015.

**X. Old Business**

None.

**XI. New Business**

None.

**XII. Adjournment**

Meeting adjourned at 9:31 a.m.

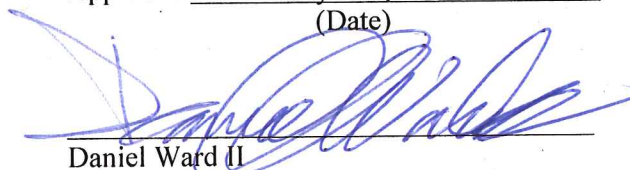
Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,



Donna Drummond  
Planning Director

Approved January 16, 2015  
(Date)



Daniel Ward II  
Secretary of the Planning Commission

